

REMARKS

Applicants thank the Examiner for the courtesies extended and the helpful assistance provided during the Interview of February 3, 2004. The following remarks are intended to include a statement of the substance of the interview.

Summary of the Office Action

Claims 1-5, 7, 9-14, 30-34, 36, 38-43, 48, and 50 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over *Kaneko et al.* (USPN 5,202,605) in view of EP 0863533 (EP '533).

Claims 1-5, 7, 11, 14, 30-34, 36, 40, 43, 47, and 49 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over *Feist* (USPN 3,535,598) in view of EP '533.

Claim 51 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over *Feist*/EP '533 as applied above and further in view of *Kaneko et al.*

Claims 1-5, 7, 9, 12-14, 30-34, 36, 38-43, 48, and 50 stand rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-6 of co-pending Application No. 09/754,253.

Summary of the Response to the Office Action

Applicants have amended claims 1, 12, 30, 41, 47, 49 and 51, and have added new claim 52. In addition, Applicants have canceled withdrawn claims 17-29 without prejudice or disclaimer. Accordingly, claims 1-16, 30-52 are presently pending and claims 1-5, 7, 9-14, 30-34, 36, 38-43, and 47-51 are currently under consideration.

In addition, Applicants submit a Terminal Disclaimer concurrently herewith.

The Double Patenting Rejection

Claims 1-5, 7, 9, 12-14, 30-34, 36, 38-43, 48, and 50 stand rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1- 6 of U.S. Patent Application No. 09/754,253. While Applicants do not concede to the grounds of rejection, Applicants submit concurrently herewith a Terminal Disclaimer to facilitate allowance of the present claims, thereby obviating the double patenting rejection. Accordingly, Applicants respectfully request that the double patenting rejection be withdrawn.

The Disposition of the Claims

Claims 1-5, 7, 9-14, 30-34, 36, 38-43, 48, and 50 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over *Kaneko et al.* (USPN 5,202,605) in view of EP 0863533 (EP '533). Claims 1-5, 7, 11, 14, 30-34, 36, 40, 43, 47, and 49 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over *Feist* (USPN 3,535,598) in view of EP '533. Claim 51 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over *Feist*/EP '533 as applied above and further in view of *Kaneko et al.*. Applicants respectfully traverse the rejections for at least the following reasons.

With respect to independent claims 1 and 30, as amended, Applicants respectfully assert that the applied art does not teach or suggest a combination wherein a mask is used to form said metal thin film electrode such that said metal thin film electrode terminates on said insulating layer within said island region and is completely absent in a central region having been masked, as generally discussed during the Interview of February 3, 2004.

With respect to independent claim 51, Applicant respectfully asserts that the applied art does not teach or suggest a combination having an island region that defines a curved concave recess, the entire concave recess being semi-spherical in shape, as discussed during the Interview of February 3, 2004. Here, it was noted during the Interview that “semi-spherical” is not intended to be limited to a half sphere but instead to a sphere portion.

Accordingly, Applicants respectfully assert that independent claims 1, 30, and 51 are allowable. Moreover, Applicants respectfully assert that dependent claims 2-5, 7, 9-14, 31-34, 36, 38-43, and 47-50 are allowable at least because of their respective dependence from independent claims 1 or 30, as amended, and the reasons set forth above. Further, Applicants respectfully submit that new dependent claim 52 is allowable at least because of its dependence from independent claim 51, as amended, as the reasons set forth above. Also, Applicants respectfully submit that withdrawn dependent claims 8, 15-16, 35, 37, and 44-46 are allowable at least because of their respective dependence from independent claims 1 or 30, as amended, and the reasons set forth above. Thus, Applicants respectfully request rejoinder of dependent claims 8, 15-16, 35, 37, and 44-46.


Conclusion

In view of the foregoing, Applicants respectfully request reconsideration and the timely allowance of the pending claims. Should the Examiner feel that there are any issues outstanding after consideration of the response, the Examiner is invited to contact the Applicant's undersigned representative to expedite prosecution.

If there are any fees due in connection with the filing of this paper, please charge the fees to our Deposit Account No. 50-0310. If a fee is required for an extension of time under 37 C.F.R. § 1.136 not accounted for above, such an extension is requested and the fee should also be charged to our Deposit Account.

Respectfully submitted

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